

REMARKS

Claim Rejections

35 USC 102(b). In the Office Action of May 5, 1005, the Examiner rejected claims 2, 4-9 and 20 under 35 USC 102(b) based on the patent of Eckstrum. Claims 10 and 11 were objected to.

In the rejection the Examiner states that Eckstrum discloses a wheeled creeper (10) comprising, “a frame (11); a platform (12) mounted on said frame; a plurality of swivelable casters (13) supporting the frame and a braking device comprising a plurality of brake shoes (15) and a linkage for actuating the brake shoes; said linkage includes a plurality of mounting rods, ... a plurality of levers (19), a tie rod (14) and a handle (18)”.

Claim 20 has been amended herein to include the language “wherein said tie rod connects said plurality of levers” as suggested by the Examiner in the telephone interview of April 28, 2005. In Eckstrum’s device, the tie rod (14) does not connect the plurality of levers (19). Consequently, Eckstrum fails to disclose the structure set forth in amended claim 20.

Therefore, it is believed that amended claim 20 is allowable over the prior art.

Claims 2 and 4-11 depend from amended claim 20 and are allowable as depending from an allowable base claim.

35 USC 103(a). The Examiner rejected claims 13-18 and 21 in the Office Action (05/05/05) under 35 USC 103 based on the published patent application of Liu in view of Eckstrum.

Claim 21 has been amended to include all of the limitations of previously presented claim 13 and claim 13 has been canceled as suggested by the Examiner in the telephone interview of April 28, 2005 to render claim 21 allowable over the prior art.

Furthermore, claim 14 has been amended to depend from amended claim 21. The language “for receiving” has been changed to --which slideably receives-- in order to positively

recite that the studs comprised by the connecting member are received within the sockets on the central portion. The connecting member attaches the portions of Applicant's device in a manner unlike Liu's device. In Liu's device the central portion does not have a socket for receiving studs on the first and second portions. Consequently, amended claim 14 is distinguished from the teaching of Liu and is believed to be allowable.

Claim 17 has been amended to correctly reflect Applicant's device which comprises "sockets" on the first and second ends of the central portion and not "studs" as previously claimed.

The claimed structure of amended claims 14 and 17 is shown in Figure 4. No new matter has been added herein.

Claims 14, 16, 17 and 18 depend from allowable amended claim 21 and are therefore allowable.

Claim 15 has been canceled.

New Claims

New claim 22 includes the limitations of original claim 20 with the addition of the brake shoes being pivotal between an engaged position and a disengaged position. The claim states, "...a linkage for **pivoting** the brake shoes between engaged and disengaged positions".

The creeper of Eckstrum has brake shoes that slide between an extended and retracted position. His brake shoes do not pivot as recited in Applicant's new claim 22. It is believed that new claim 22 is patentably distinguished from the prior art and is therefore allowable.

Basis for the brake shoes being pivotal between the engaged and disengaged positions is set forth in paragraph 26 of the Detailed Description which states, "...the brake shoes 81, 82 pivot with the rotational movement of the mounting rods 94, 95". Therefore, no new matter has been added by new claim 22.

New claim 23 further defines the engaged and disengaged positions of the braking device. Basis for new claim 23 is set forth in original claim 2, so no new matter has been added.

New claim 23 depends from claim 22 and is allowable as depending from an allowable base claim.

Allowable Claims

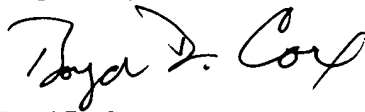
The Examiner has stated in the Office Action (05/05/05) that claim 19 as previously presented is allowable.

For the foregoing reasons it is believed that currently amended claims 14, 17, 20 and 21, previously presented claims 2, 4-11, 13, 16, 18 and 19 and new claims 22 and 23 are allowable.

Conclusion

The above amendments being fully responsive to all outstanding rejections and formal requirements, it is submitted that this application is in condition for allowance, and a notice to that effect is earnestly solicited. In the event that a telephone conference will expedite the allowance of this application, the Examiner is urged to contact the undersigned at the phone number listed below.

Respectfully submitted,



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I, Boyd D. Cox, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, PO Box 1450, Alexandria, VA 22313-1450,

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